

LOW PRESSURE HEATING BOILERS

CHAPTER 440

H. B. No. 710

An Act amending Sections 1, 2 and 3 of House Bill No. 352, Chapter 436, Page 893, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, (codified as Article 5221c of Vernon's Revised Texas Statutes) so as to include "Low Pressure Heating Boilers" as defined by this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937,⁶⁸ as amended, is hereby amended to read as follows:

"Sec. 1. The following terms as used in this Act shall be construed as follows:

"'Commissioner' as used herein shall mean the Commissioner of the Bureau of Labor Statistics of the State of Texas;

"'Inspector' as used herein shall mean the inspector of steam boilers appointed under the provisions of this Act;

"'Deputy' as used herein shall mean any deputy inspector of boilers appointed under the provisions of this Act;

"'Boiler' as used herein shall mean any vessel used for generating steam for power or heating purposes;

"'Low Pressure Heating Boiler' as used herein shall mean a boiler operated at pressures not exceeding 15 lbs. per sq. in. gauge steam or at pressures not exceeding 160 lbs. per sq. in. gauge and temperatures not exceeding 250° F. for water;

"'Owner or User' as used herein shall mean any person, firm or corporation owning or operating, or in charge of or in control of any boiler as herein defined;

"'Safety device' as used herein shall mean any appurtenance attached to any boiler for the purpose of diminishing the danger of accidents;

"'Code of Rules' as used herein shall mean the standard code of rules promulgated and adopted by the Commissioner under the provisions of this Act;

"Unless otherwise specified, where the term 'boiler' is used herein, it shall include 'Low Pressure Heating Boilers.'"

Sec. 2. Section 2 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937,⁶⁹ as amended, is hereby amended to read as follows:

"Sec. 2. No boiler or low pressure heating boiler, unless otherwise specifically exempted in this Act, shall be operated within the State of Texas unless such boiler has been registered with the Bureau of Labor Statistics and there shall have been issued a Certificate of Operation for such boiler, as hereinafter provided for, and such Certificate of Operation shall remain in full force and effect until expiration unless cancelled for cause by the Commissioner; such Certificate of Operation shall be placed under glass in a conspicuous place on or near the boiler for which it is issued; and no prosecution shall be maintained where the issuance of or the renewal for such Certificate of Operation shall have been requested and shall remain unacted upon; provided, however, if the operation of

68. Vernon's Ann.Civ.St. art. 5221c, § 1.

69. Vernon's Ann.Civ.St. art. 5221c, § 2.

such boiler without such Certificate of Operation shall constitute a serious menace to the life and safety of any person or persons in or about the premises, the Commissioner or the inspector of boilers or any deputy inspector, as hereinafter provided for, shall apply to the District Court in a suit brought by either the Attorney General of the State, or any District or County Attorney, in the county in which such boiler is located, for an injunction restraining the operation of said boiler until the unsafe condition restraining its use shall be corrected and a Certificate of Operation issued. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute a bond as a condition precedent to the issuing of any injunction or restraining order hereunder. The affidavit of the Commissioner that no application for or no Certificate of Operation exists for such boiler, and the affidavit of any inspector or deputy inspector that its operation constitutes a menace to the life and safety of any person or persons in or about the premises, shall be sufficient proof to warrant the immediate granting of a temporary restraining order."

Sec. 3. Section 3 of Chapter 436, Acts of the Forty-fifth Legislature, Regular Session, 1937,⁷⁰ as amended, is hereby amended to read as follows:

"Sec. 3. The following boilers and low pressure heating boilers are exempt from the provisions of this Act:

"1. Boilers and low pressure heating boilers under Federal control and stationary boilers at round houses, pumping stations and depots of railway companies under the supervision or inspection of the Superintendent of Motive Power of such railway companies;

"2. Low pressure heating boilers on which pressure does not exceed 15 lbs. per sq. in. gauge steam or at pressures not exceeding 160 lbs. per sq. in. gauge and temperatures not exceeding 250° F. for water, except where such boilers are located in public or private schools, colleges, universities, or county courthouses;

"3. Automobile boilers and boilers on road motor vehicles;

"4. Boilers and low pressure heating boilers used exclusively for agricultural purposes;

"5. Low pressure heating boilers for heating in buildings occupied solely for residence purposes with accommodations not to exceed four (4) families;

"6. Boilers and low pressure heating boilers used for cotton gins."

Sec. 4. The fact that this bill corrects inequities now existing in the State and the crowded condition of the Calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, May 4, 1959: Yeas 142, Nays 2; passed the Senate,

May 11, 1959: Yeas 28, Nays 0.

Approved May 30, 1959.

Effective May 30, 1959.

70. Vernon's Ann.Civ.St. art. 5221c, § 3.